

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HECTOR LOPEZ,) No. C 13-0173 RMW(PR)
Plaintiff,) ORDER OF DISMISSAL
v.)
D. SPURGEON, et al.,)
Defendants.)

Plaintiff, a state prisoner proceeding pro se, filed an amended civil rights complaint. On March 3, 2015, the court granted in part and denied in part, defendants' motion for summary judgment, and referred the case to Judge Vadas pursuant to the Pro Se Prisoner Settlement Program for settlement proceedings. On June 4, 2014, before settlement proceedings were held, plaintiff filed a request for voluntary dismissal of his case. (Docket No. 39.) On June 9, 2015, defendants' filed a stipulation to dismissal of plaintiff's lawsuit. (Docket No. 40.)

At this stage of the proceedings, absent a stipulation, these proceedings may be dismissed at the plaintiff's request only by court order, on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). Said dismissal may be with or without prejudice, but unless the court order states otherwise, it is deemed to be "without prejudice." Id. Here, although both parties have not signed the stipulation of dismissal, both parties by their respective filings have indicated their desire to dismiss this case without further proceedings.

1 Accordingly, the court finds proper cause to order dismissal these proceedings. This
2 case is hereby DISMISSED without prejudice. The clerk is directed to terminate any pending
3 motions or deadlines and close this case.

4 IT IS SO ORDERED.
5 DATED: 7/24/15


RONALD M. WHYTE
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HECTOR LOPEZ,

Case Number: CV13-00173 RMW

Plaintiff,

CERTIFICATE OF SERVICE

v.

D. SPURGEON et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 24, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Hector Lopez V00109
C10-119
Post office 7500
Crescent City, CA 95531

Dated: July 24, 2015

Richard W. Wiking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk